

UNITED STATES DISTRICT COURT *FILED*
DISTRICT OF MASSACHUSETTS *JRK'S OFFICE*

2004 MAY 14 P 3:50

*U.S. DISTRICT COURT
DISTRICT OF MASS.*

UNITED STATES OF AMERICA)
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 v.) CRIMINAL NO. 03-30008-MAP
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 JOSE MERCED, et al.)
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 Defendants.)

THE GOVERNMENT'S SIXTH STATUS
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, counsel for the defendants, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written order issued on March 15, 2004.

1. Jose Merced, Carlos Pizarro, Carlos Morales, Carlos Orlando Morales and Taiwan Jones have entered guilty pleas.
2. Change of plea hearings have been scheduled for Zenia Sanchez, Ana Gonzalez and SirJeffory Smith.
3. Cirilo Delgado has requested additional time to prepare transcripts of intercepted wire communications and to file all discovery and evidentiary motions. The government has filed its response opposing any extensions for the filing of motions with the exception of those motions relating to the transcripts

themselves.

4. Pedro Delgado, Francisco Flores and Daniel Almonte have filed discovery motions or made additional discovery requests. The government filed its response opposing some of the discovery requests made by Delgado and Flores.

5. Counsel for Francisco Flores and the government have discussed the possibility of a plea. These negotiations are preliminary in nature. Counsel will report the results of these negotiations to the Court in thirty days.

6. The government intends to file a motion to dismiss all counts charging Emilio Navedo as a result of his unfortunate death.

7. The government maintains that the time from arraignment, through the present is excludable from the Speedy Trial Act pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). Accordingly, the government requests that the Court issue an order indicating that the time from arraignment to the present is excludable pursuant to Local Rule 112.2(B).

8. As a result of entering a plea of guilty, Carlos O. Morales will no longer participate in these status conferences.

9. As of 4:00 p.m. Friday, May 14, 2004, the following attorney's have contacted the U.S. Attorney's Office and assented to this status report: Raymond O'Hara, counsel for Jose I Garcia;

Michael Jennings, counsel for Sean Garcia; Peter Ettenberg, counsel for Carlos Morales; Jack St. Clair, counsel for Francisco Flores; Terry Nagel, counsel for SirJeffory Smith; David Wenc, counsel for Daniel Almonte; and Joseph Franco, counsel for Carlos Orlando Morales.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

Ariane D. Vuono
Ariane D. Vuono
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Springfield, Massachusetts
May 15, 2004

I, Ariane D. Vuono, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing on the defendants by providing a copy, via facsimile, to counsel of record.

Ariane D. Vuono
ARIANE D. VUONO
Assistant U.S. Attorney